

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,

Plaintiff,

vs.

Angel Avila-Ortiz,

Defendant.

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DETENTION ORDER

Case No.: 1:09-mj-080

On November 3, 2009, Defendant made his initial appearance on a complaint. AUSA David Hagler appeared on the Government's behalf. Assistant Federal Public Defender William Schmidt was appointed as defense counsel and appeared on Defendant's behalf.

The Government moved for detention. After consulting with defense counsel, Defendant waived in open court his right to a preliminary hearing and detention hearing and consented to detention pending final disposition of this matter. The court accepts Defendant's waiver, finding that it was made freely and voluntarily, knowingly and intelligently, and upon advice of counsel. Further, based upon Defendant's waiver of his right to a preliminary hearing, the court finds that there is probable cause to believe that Defendant may have committed the offense alleged in the complaint. Accordingly, the court **ORDERS** that Defendant be bound over to the United States District Court to answer to the charges set forth in the complaint.

The court **GRANTS** the Government's Motion for Detention and **FURTHER ORDERS** that Defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a

reasonable opportunity for private consultations with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 3rd day of November, 2009.

/s/ Charles S. Miller, Jr
Charles S. Miller, Jr.
United States Magistrate Judge